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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,989	07/30/2001	Kentaro Konishi	Q65606	6406

7590 06/16/2004
SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

SEALEY, LANCE W

ART UNIT	PAPER NUMBER
2671	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,989

Applicant(s)

KONISHI ET AL.

Examiner

Lance W. Sealey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 15-24 and 28-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 8-11, 15-24 and 28-40 is/are allowed.
- 6) ☒ Claim(s) 6, 7, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Allowed Subject Matter

1. Claims 1-5, 8, 15-19, 22 and 28-34 are allowed because no prior art anticipates or suggests, in a time-series data processing device, a data processing means for generating a data list which indicates, in time series, a temporal transition of a position and a state of an object picked up by a pick-up means (claims 1, 15 and 28); or, in the absence of Tunli (U.S. Pat. No. 6,545,689), a common instruction entering level for performing a plurality of different kinds of analyses or a main instruction entering level to be utilized commonly for said plurality of different kinds of analyses (claims 8 and 22).
2. Nor does prior art anticipate or suggest claim 37, which discloses, in a time-series data processing device, an interface means, in which said interface means is capable of enabling a display means to display simultaneously an animation based on data converted into said predetermined form in accordance with the play list, and an image of a sports game based on said image data corresponding to said animation.
3. Nor does any prior art anticipate or suggest claims 35-36 and 38-40, the interface means including the function of displaying a list of all plays of an opponent's team in a sports game in accordance with said play list, and of retrieving a desirable play seen at said sports game by designating an optional item of said play list (claims 35 and 38).
4. Claims 2-5 are allowed because they depend on claim 1. Claims 9-11 are allowed

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because they depend on claim 8. Claims 16-19 are allowed because they depend on claim 15. Claims 23 and 24 are allowed because they depend on claim 22. Claims 29-34 are allowed because they depend on claim 28. Claim 36 is allowed because it depends on claim 35. Claims 39 and 40 are allowed because they depend on claim 38.

Claim Rejections - 35 USC § 102

5. The following is a quotation of 35 U.S.C. 102(b) which forms the basis for all novelty rejections set forth in this Office action:

A person shall be entitled to a patent unless—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 6-7 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamir et al. ("Tamir", U.S. Pat. No. 5,923,365).

7. Tamir, in disclosing a sports event video manipulating system for highlighting movement, also discloses, with respect to claim 6,

- data processing means for generating an image data by image-picking up a sports game, for processing said image data generated in accordance with a predetermined format and for storing said data processed in said predetermined format
(Abstract; predetermined format is digitized video, and data is stored in digital memory storing device 40, FIG.1);
- interface means (light pen 60, FIG.1) connected to said data processing means (host computer 30, FIG.1),
- and having an instruction entering means capable of entering a plurality of instructions for inputting said data processed in said predetermined format that is stored in said data processing means

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(Video cassette (VC) or video disc (VD) input is remotely controlled by the computer screen, which represents the "data processing means"; see col.7, ll.32-33. The existence of the "instruction entering means" is implied by the ability to enter such instructions as "fast forward"; see col.7, ll.33-37. The clause *inputting said data processed in said predetermined format* can be interpreted in at least two ways; if the applicants mean that data is input in a predetermined format, then it is inherent that a video cassette or disc input would have to be in a predetermined format. If the applicants mean that data is input and later processed in a predetermined format, then Tamir discloses converting input data into a predetermined format by digitizing a grabbed video field (Abstract));

- and for converting said data inputted into a predetermined form (Abstract; video image A/D converter converts grabbed video field to a digitized element),
- and for outputting said data converted, in accordance with said instruction entered by said instruction entering means;
(The instructions in col.7, ll.33-37 apply to video input. Video is a medium which implies the use of the sense of sight. It is therefore implied that some output medium exists that the user would need to use to see the results of such instructions as *fast search backwards*.)
- and image displaying means connected to said interface means for inputting said data outputted from said interface means (light pen 60, FIG.1) and for displaying said data inputted on a screen (video display monitor, Abstract).

8. Concerning claim 7, Tamir discloses a data processing means

- configured to display synchronously on said display means each corresponding image by linking an image of said object, which is image-picked up by said image-pick up means, if necessary, in accordance with said data list generated
(at least a., b. and c. of data list refers to images of object players and ball, which are displayed synchronously (Webster's: "at the same time"); see col.13, ll.44-63),
- when said display means displays said image of said object animated by animating means (col.13, ll.61-63; the image of the object is the Tamir "still image" (l.61)).

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9. Claims 20 and 21 are identical to claims 6 and 7 respectively except that claim 6 discloses an apparatus and claim 20 discloses a method. However, since it is inherent that an apparatus such as the one disclosed in claim 6 would have to have also disclosed a method to make the apparatus work, claims 20 and 21 are rejected in addition to claims 6 and 7.

10. Therefore, in view of the foregoing, claims 6-7 and 20-21 are rejected as being anticipated under 35 U.S.C. 102(b) by Tamir.

Response to Remarks

11. In this Office action, claims 12-14 and 25-27 have been treated as though they have been cancelled, even though they are still listed as "Currently Amended" in the Listing of Claims, and all references to Tunli have been removed pursuant to the applicants' affidavit filed under 37 CFR 1.131.

12. The applicants assert that Tamir does not disclose the new element added to claims 6 and 20, "wherein said predetermined form comprises at least one of a chart, a numerical list, an image and a video." However, Tamir discloses video disc input, which qualifies both as video and as a series of images. Therefore all elements of claims 6 and 20 are disclosed by Tamir.

Conclusion

Any inquiry concerning this communication or earlier communications from the Office should be directed to the examiner, Lance Sealey, whose telephone number is (703) 305-0026. He can be reached from 7:00 am-3:30 pm Monday-Friday EDT.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

Any response to this action should be mailed to:

MS Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Mark Zimmerman', with a long horizontal flourish extending to the right.

MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600